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EXAMINER

LAVARIAS, ARNEL C

ART UNIT PAPER NUMBER

2872

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,072

Applicant(s)

DOUGLAS ET AL.

Examiner

Arnel C. Lavarias

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-33, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 10-19, 24-33, 35 and 36 is/are allowed.
- 6) ☒ Claim(s) 20, 21 and 23 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The cancellation of Claim 9 in Paper No. 8, dated 10/27/03, is acknowledged and accepted.
2. The amendments to Claims 1, 10, 20, 26, 33, and 36 in Paper No. 8, dated 10/27/03, are acknowledged and accepted.

Response to Arguments

3. The Applicants argue that, with respect to newly amended Claim 1, Vidacovich et al. in view of Daoud fails to teach or reasonably suggest a storage tray arrangement, including a mounting construction pivotably securing the first tray to the frame, wherein the mounting construction further includes a detent-recess arrangement, the detent-recess arrangement including at least one of the first tray and the post having a detent and the other of the first tray and the post having a plurality of recesses. After a careful review of the Vidacovich et al. and Daoud references, the Examiner agrees, and respectfully withdraws the rejections to Claims 1-2, 12-19 in Section 10 of Paper No. 7, dated 7/31/03.
4. The Applicants argue that, with respect to Claim 24, Vidacovich et al. in view of Daoud fails to teach or reasonably suggest a storage tray for storing cable slack, the tray including a detent protruding from the sidewall in the arched opening between the first and second curved arms. After a careful review of the Vidacovich et al. and Daoud

references, the Examiner agrees, and respectfully withdraws the rejections to Claims 24-25 in Section 10 of Paper No. 7, dated 7/31/03.

5. The Applicants argue that, with respect to newly amended Claim 20, Vidacovich et al. in view of Daoud, and further in view of Swenson et al. fails to teach or reasonably suggest a storage tray for storing cable slack, the tray including the sidewall and base defining a neck having a flared entrance, the flared entrance including opposing convex sidewall portions. After a careful review of the Vidacovich et al., Daoud, and Swenson et al. references, the Examiner agrees, and respectfully withdraws the rejections to Claims 20-23 in Section 11 of Paper No. 7, dated 7/31/03.

6. The Applicants argue that, with respect to newly amended Claim 26, Vidacovich et al. in view of Daoud fails to teach or reasonably suggest a method for storing cable slack, the method including the step of providing a first tray mounted to the frame in a vertical second plane parallel to the first plane, the first tray including a mounting construction having a mounting post defining a pivot axis, the mounting post including positioning structure, the positioning structure being configured to selectively and pivotably mount the first tray relative to the frame in a plurality of positions. After a careful review of the Vidacovich et al. and Daoud references, the Examiner agrees, and respectfully withdraws the rejections to Claims 26-32 in Section 10 of Paper No. 7, dated 7/31/03.

7. The Applicants argue that, with respect to newly amended Claim 33, Vidacovich et al. in view of Daoud fails to teach or reasonably suggest a fiber management system, including the first tray set having a mounting construction having a mounting post defining a pivot axis, the mounting post including positioning structure, each of the first

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and second trays being coupled to the mounting construction. After a careful review of the Vidacovich et al. and Daoud references, the Examiner agrees, and respectfully withdraws the rejections to Claims 33, 35 in Section 10 of Paper No. 7, dated 7/31/03.

8. In view of the amendments made to the claims, Claims 20, 21, 23 are rejected as follows.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidacovich et al. (U.S. Patent No. 5402515), of record, in view of Swenson et al. (U.S. Patent Application Publication 2002/0131749A1), of record, and Puetz (U.S. Patent No. 6946440), of record.

Vidacovich et al. discloses a storage tray for storing cable slack (See Figures 1, 7-9, 11, 13), the tray comprising a base (See base plate near 32 of Figure 3), the base defining a storage region (See area near 57 in Figure 3) and a cable entry region (See either area near 96 or area near 54 as cable entry area in Figure 3), the storage region defining a first width (See width of storage area near 57 in Figure 3 for example), the cable entry region defining a second width (See area near 54 in Figure 3 for example), the second width being no more than 50% of the first width; a sidewall projecting from the base and

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extending along a perimeter of the base (See sidewall along perimeter of tray 124 in Figure 3), the sidewall and the base defining a neck having a flared entrance, the neck including a curved trough (See curved sidewalls near region 54 in Figure 3) extending from the storage region toward the flared entrance through the cable entry region (See entrance near 52 in Figure 3), the sidewall including first and second curved arms to define an arched opening and oriented in the cable entry region (See area near 96 in Figure 3); a spool in the storage region projecting from the base (See 56 in Figure 3); a first plurality of tabs extending from the spool toward the sidewall in the storage region (See tabs on 56 in Figure 3); and a second plurality of tabs extending from the sidewall and over the trough in the cable entry region (See tabs near 96 in Figure 3). Vidacovich et al. lacks the flared entrance including opposing convex sidewall portions, and the sidewalls defining a plurality of scallops. However, Swenson et al. teaches a cable storage device (See Figures 1-2) wherein the sidewalls (See 211, 212, 213, 214, 215, 216, 218 in Figure 1B) incorporate a plurality of scallops (See in particular regions near 19 in Figure 1B). Further, Puetz teaches a fiber cable management device (See for example Figure 33), wherein the storage tray (See 170 in Figure 33) incorporates a flared entrance/exit (See 172/196 in Figure 33) that includes opposing convex sidewall portions (See 172, 196 in Figure 33). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sidewalls include a plurality of scallops, as taught by Swenson et al., in the storage tray arrangement of Vidacovich et al., for the purpose of providing strain relief as well as accessibility to the fiber, while keeping the fiber stored on the spool (See paragraph 0053 for example).

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the flared entrance of the storage tray arrangement of Vidacovich et al. include opposing convex sidewall portions, as taught by Puetz, for the purpose of preventing excessive kinking of the optical fiber entering/exiting from the storage tray, since the convex sidewall portions limit the bend radius of the optical fiber.

Allowable Subject Matter

11. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a storage tray arrangement, including a mounting construction pivotably securing the first tray to the frame, wherein the mounting construction further includes a detent-recess arrangement, the detent-recess arrangement including at least one of the first tray and the post having a detent and the other of the first tray and the post having a plurality of recesses. Claims 2-6, 10-19 are dependent on Claim 1, and hence are allowable for the same reasons Claim 1 is allowable.

Claims 22 and 24 are allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a storage tray for storing cable slack, the tray including a detent protruding from the sidewall in the arched opening

between the first and second curved arms. Claim 25 is dependent on Claim 24, and hence is allowable for the same reasons Claim 24 is allowable.

Claim 26 and 33 are allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a fiber management system and a method for storing cable slack, the method including the step of providing a first tray mounted to the frame in a vertical second plane parallel to the first plane, the first tray including a mounting construction having a mounting post defining a pivot axis, the mounting post including positioning structure, the positioning structure being configured to selectively and pivotably mount the first tray relative to the frame in a plurality of positions, the system including the first tray set having a mounting construction having a mounting post defining a pivot axis, the mounting post including positioning structure, each of the first and second trays being coupled to the mounting construction. Claims 27-32, 35-36 are dependent on Claims 26 and 33, respectively, and hence are allowable for the same reasons that Claim 26 and 33 are allowable.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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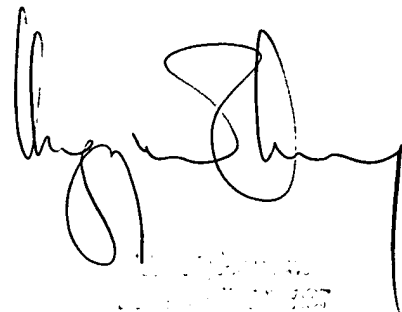
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 703-305-4007. The examiner can normally be reached on M-F 8:30 AM - 5 PM EST. **Please note that after January 20, 2004, the examiner may be reached at the new telephone number: 571-272-2315.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 703-305-0024. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Arnel C. Lavarias
12/22/03

A handwritten signature in black ink, appearing to read 'Arnel C. Lavarias', with a stylized, cursive script. Below the signature, there is a faint, rectangular stamp or mark.